

### **REMARKS**

Claims 1-5, 7, 9-16, 18, 33, 34 and 36-42 are all of the pending claims, with claims 1, 10, 38 and 39 being written in independent form.

The Examiner continues to reject claims 1-5, 7, 9-16, 18, 33, 34 and 36-38 under 35 USC §102(e) as being anticipated by US Patent Application Publication No. 2005/0260493 to Fredriksson et al. ("Fredriksson"). This is the only rejection raised.

The Examiner's reliance on Fredriksson is misplaced. This is because the December 28, 2007 Petition Decision did not dismiss the Rule 78 Petition with respect to the domestic priority claim, as alleged by the Examiner.<sup>1</sup> Instead, the Decision granted the petition with respect to the domestic priority claim, and dismissed the petition only with respect to the foreign priority claim.<sup>2</sup>

During a telephone conversation on May 27, 2008, the Examiner agreed that Fredriksson should not have been applied against the pending claims. Accordingly, the application is believed to be in condition for allowance.

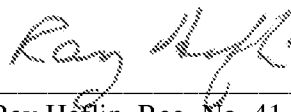
### **CONCLUSION**

In view of the above, Applicants earnestly solicit reconsideration and allowance of all of the pending claims.

The Commissioner is authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 50-4446 for any additional fees required under 37 CFR § 1.16 or under 37 CFR § 1.17; particularly, extension of time fees.

Respectfully submitted,

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<sup>1</sup> See May 20, 2008 Office Action, Response to Arguments section at p. 3.

<sup>2</sup> December 28, 2007 Petition Decision, p. 1.